

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police - Re-fixing the date of seniority of certain S.I. of Police who were converted from R.S.Is to Civil S.Is under 5% quota from the date of joining into service in the cadre of RSIs as per Rule 33(a) of A.P. State and Subordinate Service Rules, 1996 – Orders –Issued.

HOME (SERVICES. II) DEPARTMENT

G.O.Ms.No. 244

Date:23.10.2013.
Read the following:-

1. Representation Dt: 25.09.2011 of Sri Ch. Srinivasa Rao, SI of Police, II Town Traffic P.S. Visakhapatnam City, Vizag Range.
2. Representation Dt: 07.10.2011 of Sri P. Sai Prasad, SI of Police, Kuppam PS, Chittoor District, Kurnool Range.
3. Representation Dt: 19.09.2011 of Sri D. Bhoomaiah, SI of Police P.S., Karimnagar District.
4. Representation Dt:04.04.2012 of Sri P. Eswara Reddy, SI of Police, Y.S.R. District, Kurnool Range.
5. Representation Dt: 16.05.2013 of G. Amarnath Reddy, S.I. of Police, Railways Renugunta RPS, Chittoor District, Kurnool Range.
6. Representation Dt:16.05.2013 of Sri T. Abbanna, S.I. of Police, East Police Station, Tirupati, Chittoor Dist., Kurnool Range.
7. From the Director General of Police, AP, Hyd. Lr. Rc.No.752/E1/2012, Dt: 12.10.2012.
8. Govt. Memo. No.28292/Ser.II/A.1/2012, Dt: 19.10.2012.
9. From the Director General of Police, AP, Hyd. Lr. Rc.No.752/E1/2012, Dt: 26.02.2013.
10. From the Director General of Police, AP, Hyd. Lr. Rc.No.752/E1/2012, Dt: 20.05.2013.

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ORDER:

In the representations first to sixth read above, S/Sri. Ch. Srinivasa Rao, SI of Police, II Town Traffic P.S. Visakhapatnam City, Vizag Range, P. Sai Prasad, SI of Police, Kuppam PS, Chittoor District, D. Bhoomaiah, SI of Police P.S., Karimnagar District, P. Eswara Reddy, SI of Police, Y.S.R. District, G. Amarnath Reddy, S.I. of Police, Railways Renugunta RPS, Chittoor District and T. Abbanna, S.I. of Police, East Police Station, Tirupati, Chittoor Dist. respectively have requested the Government to assign notional seniority from the date of their initial appointment as RSI (AR/APSP) as was done to other similarly situated converted SIs (Civil) from the cadre of RSIs vide G.O. Ms. No. 18, Home (Service-II) Department, dt:07.01.2009 and G.O. Ms. No. 166, Home (Service-II) Department. dt. 23.03.2009.

2. The Director General of Police, Andhra Pradesh, Hyderabad in his letter seventh read above has informed that Sri Ch. Srinivasa Rao was appointed as RSI (APSP) on 11.11.1996 and converted as S.I. (Civil) by the Government vide G.O. Ms.No.723, Home (Ser.II) Department, dt. 26-05-2005, subject to condition that the individual shall take last rank in the Civil cadre of S.Is in his zone. Similarly, 17 other RSIs belonging to various Zones were converted as SIs (Civil) through Government orders, as special cases.

3. Further, he has stated that some converted Civil SIs have requested the Government to assign the seniority in the cadre of SI (Civil) from the date

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of their initial appointment as RSIs. Meanwhile, Government have considered the cases of (08) individuals, who were converted as SIs (Civil) from SIs of APSP/AR, as special cases and issued orders vide G.O. Ms. No. 18, Home (Ser.II) Department, dt. 07-01-2009 and G.O. Ms. No. 166, Home (Ser.II) Department, dt.23-03-2009 assigning notional seniority to (8) converted SIs(Civil), from the date of initial appointment as RSIs. After prolonged correspondence with the Government, the said orders were implemented.

4. The Director General of Police, Andhra Pradesh, Hyderabad stated that earlier the Government have rejected the request of Sri Ch. Srinivasa Rao, SI (Civil) and others for fixation of their seniority in the rank of SI from the date of initial appointment as RSI (AR/APSP) in Memo. No. 19763/Ser.II/A1/2009, dt. 17.06.2011, on the ground that they were appointed as SI (Civil) at their request. Basing on the instructions of the Government, the DIG, Visakhapatnam Range, Visakhapatnam issued an endorsement to the applicant Sri Ch. Srinivasa Rao, SI (Civil) vide C.No. 643/A1/2011, dt. 17-09-2011. Later, Sri Ch. Srinivasa Rao, SI (Civil) approached the APAT and obtained interim orders dt. 30-12-2011 in O.A. No. 10292/2011, which are as follows:

“In these circumstances, the 3rd respondent (DIG of Police, Visakhapatnam Range), is directed to consider the case of the applicant for promotion to the post of Inspector of Police (Civil) keeping in view the orders passed in G.O.Ms.No.723, dt. 26-05-2005, without reference to the impugned Memo. No. 19763/Ser.II/A1/2009(1), dt. 17-06-2011 of the 1st respondent (Principal Secretary to Government, Home Department)”.

5. The Director General of Police, Andhra Pradesh, Hyderabad has instructed the DIG, Visakhapatnam Range, Visakhapatnam to file fair counter affidavit in APAT, vide C.O. Memo. No. 26/F2/2012, dt. 12-01-2012.

6. The Director General of Police, Andhra Pradesh, Hyderabad has further stated that cases of remaining (8) SIs including the applicant Sri Ch. Srinivasa Rao, SI (Civil) and others as mentioned below are similarly situated individuals and they have to assign seniority from the date of initial appointment as RSI (AR/APSP), as was done in cases of individuals vide G.O. Ms. No.18, Home (Service-II) Department dt. 07-01-2009 and G.O. Ms. No. 166, Home (Service-II) Department, dt. 23-03-2009. The Service Particulars of the (8) individuals are as follows:

SI. No.	Name of the SI (Civil) and parent Unit.	Date of appointment as as RSI (AR / APSP)	Date of appointment as SI (Civil)	G.O.Ms.No. and date
01	Ch. Srinivasa Rao, SI Visakhapatnam Range	11-11-1996	06-03-2006	G.O.Rt.No. 723, Home (Ser.II), Department, dated: 26-05-2005.
02	P. Eswar Reddy, SI Kurnool Range	19-01-1998	26-05-2005	G.O.Rt.No. 722, Home (Ser.II), Department, dated: 26-05-2005.
03	D.Bhoomaiah, SI Warangal Range	8-11-1992	19-01-1998	G.O.Ms.No. 299, Home (Ser.II), Department, dated: 2-08-1996.
04	Bh. Venkateswarlu, SI Eluru Range	15-09-1991	14-06-2004	G.O.Rt.No. 287, Home (Ser.II), Department, dated: 03-03-2004.

05	P. Sai Prasad, SI Kurnool Range	17-01-1998	17-01-2005	G.O.Rt.No. 1108, Home (Ser.II/A1), Department, dated: 21-07-2004.
06	P. Jagan Mohan Reddy, SI, Kurnool Range	19-01-1998	17-01-2005	G.O.Rt.No. 1829, Home (Ser.II), Department, dated: 10-12-2004.
07	D. Venuchander, SI Warangal Range	19-01-1998	29-01-2005	G.O.Rt.No. 69, Home (Ser.II), Department, dated: 20-01-2005.
08	N. Raja Sekhar, SI Eluru Range	19-01-1998	29-01-2005	G.O.Rt.No. 70, Home (Ser.II), Department, dated: 20-01-2005.

7. The following two candidates have also represented the Government to restore their seniority in the references 5th and 6th read above.

09	T.Abbanna, SI of Police, Urban Police, Chittoor, Kurnool Range	11-6-2003	24-2-2009	G.O.Rt.No. 75, Home (Ser.II), Department, dated: 2-2-2009.
10	G.Amarnath Reddy, SI of Police, Railways Renugunta RPS, Kurnool Range	11-6-2003	13-5-2009	G.O.Rt.No. 140, Home (Ser.II), Department, dated: 2-3-2009

8. When called for the latest stage of the O.A.No.1122/2011 filed by Ch Chandra Mouli, Inspector of Nellore in the Memo., eighth read above, the Director General of Police in his letter ninth read above, has informed as follows:

“with regard to validity of Hon’ble APAT orders in this matter it is informed that the APAT issued Interim Orders dtd. 28.02.2011, suspending the G.O.Ms.No.166, dtd. 23.3.2009 for a period of 4 weeks. Thereafter there is no record to show that the interim order is extended or not. Nevertheless, the CLA has opined that as per Sec. 24 of the Administrative Tribunal Act, 1985, the operation of the said interim order continues until vacated by the Tribunal, as VMS are filed.”

9. The DGP, Andhra Pradesh, Hyderabad in letter 10th read above has stated that the Hon’ble APAT issued orders dt. 22-04-2013 in O.A. No. 10292/2011 filed by Sri Ch. Srinivasa Rao, SI (Civil) of Visakhapatnam Range, O.A. No. 10275/2011 filed by Sri P.Sai Prasad, O.A. No. 1435/11 filed by Sri P. Jagan Mohan Reddy, SIs of Kurnool Range and O.A. No. 10274/2011 filed by Sri D.Bhoomaiah, SI of Karimnagar District which are as follows:

“The O.A. is allowed setting aside the impugned memo No. 19763/Ser.II/A1/2009 (1) dt. 17-06-2011 issued by the 1st respondent. The respondents are directed to fix the seniority of the applicants in the cadre of Sub-Inspectors of Police (Civil) from the date of initial appointment as Reserve Sub-Inspector of Police, in terms of Rule 15 (c) of A.P. Police (Civil) Subordinate Service Rules r/w Rule 33 (d) of A.P. State & Subordinate Service Rules and the judgment dt. 15-06-2001 of the Hon’ble High Court in W.P. No. 2120 / 2000 and batch and accordingly consider their cases for further promotions as per their seniority so fixed. Necessary orders shall be passed within a period of (8) weeks from the date of receipt of a copy of this order.”

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10. Keeping in view the above Hon'ble APAT orders, the DGP, Andhra Pradesh, Hyderabad has requested the Government to issue early orders to assign seniority to certain said SIs (Civil), who were converted from RSIs, as special cases through Government Orders, from the date of initial appointment as RSI (AR / APSP), as was done in similarly situated cases vide G.O. Ms. No. 18, Home (Services-II) Department, dt: 07-01-2009 and G.O.Ms.No. 166, Home (Services-II) Department, dt. 23-03-2009, to avoid further legal complications.

11. Government have examined the request of the DGP carefully and hereby order to re-fix the date of seniority of S/Sri Ch. Srinivasa Rao, SI Visakhapatnam Range, P. Eswar Reddy, SI, Kurnool Range, D.Bhoomaiah, SI Warangal Range, Bh. Venkateswarlu, SI Eluru Range, P. Sai Prasad, SI Kurnool Range, P. Jagan Mohan Reddy, SI Kurnool Range, D. Venuchander, SI, Warangal Range, N. Raja Sekhar, SI, Eluru Range, T.Abbanna, SI of Police, Urban Police, Chittoor and G.Amarnath Reddy, SI of Police, Railways Renugunta RPS, who were appointed as RSIs of Police and converted as SIs (Civil) under 5% quota, from the date of joining into service in the cadre of RSIs (AR / APSP) as per Rule 33 (a) of A.P. State and Subordinate Service Rules, 1996, in their respective Zones, after giving due notices to all those who will be affected and after considering and disposing of their objections, if any.

12. The Director General of Police, A.P., Hyderabad is requested to take further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.P. DAS
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P., Hyderabad. (W.E).
The Individuals through Director General of Police, A.P., Hyd.
Copy to:
The Govt. Pleader for Home (S), APAT, Hyd.
P.S. to Prl. Secretary. to C.M.
P.S. to Prl. Secretary to Govt., Home.
Sc/Sf.

//Forwarded ::By Order//

Section Officer